

Executive Summary – Enforcement Matter – Case No. 48080
City of Hale Center
RN101918670
Docket No. 2014-0019-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - MSW, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Hale Center WWTF, located approximately 2,640 feet south of Hale Center and 3,600 feet east of IH-27, Hale County

Type of Operation:

Wastewater treatment facility and disposal site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 24, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,363

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$65,363

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 31, 2013

Date(s) of NOE(s): December 6, 2013

Violation Information

1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures. Specifically, the 201 Sunset Drive, 13th Street and J Avenue, High Line Road, and 600 East 1st Street lift stations are not equipped with a quick-connect plug-in to accept a backup power supply [30 TEX. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0010030001, Operational Requirements No. 4].
2. Failed to submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Specifically, two Imhoff tanks were abandoned and filled with soil. No closure plan was submitted prior to the closure of the treatment units [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Operational Requirements No. 3.b.].
3. Failed to submit the annual sludge report for the monitoring periods ending July 31, 2011, July 31, 2012, and July 31, 2013. Specifically, the annual sludge report for the monitoring periods ending July 31, 2011, July 31, 2012, and July 31, 2013 were not submitted to the Compliance Monitoring Team of the Enforcement Division and the TCEQ Lubbock Regional Office by September 1 of each year [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TCEQ Permit No. WQ0010030001, Sludge Provisions].
4. Failed to properly dispose of sludge. Specifically, several piles of sludge, removed from the Imhoff tanks, were scattered on the ground at the wastewater treatment area [30 TEX. ADMIN. CODE § 312.4(a) and TCEQ Permit No. WQ0010030001, Sludge Provisions].
5. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually. Specifically, the flow meter installed within a vault on the influent conveyance line north of the facultative lagoon had not been calibrated [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 5].

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6. Failed to monitor effluent at the intervals specified in the permit. Specifically, the Respondent failed to collect and analyze effluent samples for five-day biochemical oxygen demand and pH for the monitoring periods ending October 31, 2012 through April 18, 2013 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 1].
7. Failed to submit the results of the annual soil sample analysis to the TCEQ at the intervals specified in the permit. Specifically, the results of the annual soil sample analysis for 2013 were not submitted to the TCEQ Lubbock Regional Office by the end of September 2013 [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 8].
8. Failed to meet the buffer zone requirements of a minimum horizontal distance of 150 feet from private water wells to the land application area. Specifically, two water wells were located within 10 feet of the land application area [30 TEX. ADMIN. CODE § 309.13(c)(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 21].
9. Failed to properly report groundwater monitoring events in accordance with the Groundwater Monitoring Plan approved on January 17, 2006. Specifically, the groundwater monitoring reports for March and September 2011, March and September 2012, and March 2013 were not submitted to the TCEQ Lubbock Regional Office and the Water Quality Assessment Team and the report for March 2013 was not timely submitted to the Compliance Monitoring Section; the reports for March and September 2011, March and September 2012, and March 2013 did not include water level measurements, copies of the laboratory reports, quality assurance/quality control information, a potentiometric surface map, or analysis of the results; and the groundwater monitoring report for September 2013 was not available for review [30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 9].
10. Failed to prevent the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 1,500 cubic feet of MSW was disposed of on the Facility grounds [30 TEX. ADMIN. CODE § 330.15(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

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Technical Requirements:

The Order will require the Respondent to:

- a. Immediately upon the effective date of this Agreed Order, cease disposing of MSW on the Facility grounds;
- b. Within 30 days:
 - i. Provide adequate safeguards at all lift stations to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of adequately treated wastewater;
 - ii. Submit a plan and schedule for the closure of the two abandoned Imhoff tanks;
 - iii. Submit the annual sludge reports for the monitoring periods ending July 31, 2011 through July 31, 2013;
 - iv. Update the Facility's operational guidance and conduct employee training to ensure that:
 1. Effluent is monitored at the intervals specified in the permit;
 2. Self-reporting requirements are properly accomplished including the timely submittal of annual sludge reports;
 3. Soil and groundwater monitoring results are properly conducted and submitted at the intervals specified in the permit; and
 4. Implement procedures to properly dispose of sludge.
 - v. Remove and properly dispose of sludge and MSW from the Facility grounds and dispose of it at an authorized facility;
 - vi. Accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows; and
 - vii. Submit the annual soil sample analysis results for 2013 to the TCEQ.

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- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the closure plan and schedule for the two abandoned Imhoff tanks within 30 days after the date of such requests or by any other deadline specified in writing.
- d. Within 45 days, submit written certification of compliance with a. and b.
- e. Within 180 days, ensure that the required buffer zone distance of 150 feet from the private water wells is met.
- f. Within 195 days, submit written certification of compliance with e.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Caleb Olson, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2541; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Eugene Carter, Mayor, City of Hale Center, P.O. Box 532, Hale Center, Texas 79041
Dennis Burton, City Manager, City of Hale Center, P.O. Box 532, Hale Center, Texas 79041
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned

9-Dec-2013

PCW

8-May-2014

Screening

23-Dec-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Hale Center

Reg. Ent. Ref. No. RN101918670

Facility/Site Region 2-Lubbock

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 48080

Docket No. 2014-0019-MLM-E

Media Program(s) Water Quality

Multi-Media Municipal Solid Waste

No. of Violations 10

Order Type 1660

Government/Non-Profit Yes

Enf. Coordinator Christopher Bost

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$72,625

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

-10.0% Enhancement

Subtotals 2, 3, & 7 -\$7,262

Notes

Reduction for High Performer Classification.

Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$0

Economic Benefit

Total EB Amounts \$3,166

Approx. Cost of Compliance \$15,730

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$65,363

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%

Adjustment \$0

Notes

Final Penalty Amount \$65,363

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$65,363

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20.0%

Reduction

Adjustment -\$13,072

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$52,291

Screening Date 23-Dec-2013

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PCW

Respondent City of Hale Center

Case ID No. 48080

Policy Revision 3 (September 2011)

Reg. Ent. Reference No. RN101918670

PCW Revision August 3, 2011

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 23-Dec-2013
Respondent City of Hale Center
Case ID No. 48080
Reg. Ent. Reference No. RN101918670
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 1

Docket No. 2014-0019-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0010030001, Operational Requirements No. 4

Violation Description

Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, as documented during an investigation conducted on October 31, 2013. Specifically, the 201 Sunset Drive, 13th Street and J Avenue, High Line Road, and 600 East 1st Street lift stations are not equipped with a quick-connect plug-in to accept a backup power supply.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 8

53 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$30,000

Eight monthly events are recommended (2 events per lift station), calculated from the investigation date, October 31, 2013, to the screening date, December 23, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$27,000

This violation Final Assessed Penalty (adjusted for limits) \$27,000

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 48080
Reg. Ent. Reference No. RN101918670
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment	\$450	31-Oct-2013	27-Sep-2014	0.91	\$1	\$27	\$29
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide adequate safeguards at all lift stations to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of adequately treated wastewater. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$450

TOTAL

\$29

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010030001,
Operational Requirements No. 3.b

Violation Description

Failed to submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity, as documented during an investigation conducted on October 31, 2013. Specifically, two Imhoff tanks were abandoned and filled with soil. No closure plan was submitted prior to the closure of the treatment units.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

53

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$601

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent City of Hale Center
 Case ID No. 48080
 Reg. Ent. Reference No. RN101918670
 Media Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description No commas or \$

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	3-May-2012	27-Sep-2014	2.40	\$601	\$601
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a closure plan for the Imhoff tanks. The date required is 90 days prior to the date the Imhoff tanks were filled and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$601

Screening Date 23-Dec-2013
Respondent City of Hale Center
Case ID No. 48080
Reg. Ent. Reference No. RN101918670
Media [Statute] Water Quality
Enf. Coordinator Christopher Bost
Violation Number 3

Docket No. 2014-0019-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17) and TCEQ Permit No. WQ0010030001,
Sludge Provisions

Violation Description

Failed to submit the annual sludge report for the monitoring periods ending July 31, 2011, July 31, 2012, and July 31, 2013, as documented during an investigation conducted on October 31, 2013. Specifically, the annual sludge report for the monitoring periods ending July 31, 2011, July 31, 2012, and July 31, 2013 were not submitted to the Compliance Monitoring Team of the Enforcement Division and the TCEQ Lubbock Regional Office by September 1 of each year.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

844 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$3,750

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A		X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent City of Hale Center

Case ID No. 48080

Reg. Ent. Reference No. RN101918670

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Oct-2013	27-Sep-2014	0.91	\$11	\$11
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$150	1-Sep-2011	27-Sep-2014	3.07	\$23	\$23

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and to conduct employee training (\$250) to ensure that the annual sludge report is submitted by September 1 of each year. Date required is the investigation date and the final date is the estimated date of compliance. The other cost is the estimated cost to submit the annual sludge report for the monitoring periods ending July 31, 2011 through July 31, 2013 (\$50 per report). Date required is the date the first annual sludge report was due and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$34

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Case ID No. 48080

Policy Revision 3 (September 2011)

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

PCW Revision August 3, 2011

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 312.4(a) and TCEQ Permit No. WQ0010030001, Sludge Provisions

Violation Description

Failed to properly dispose of sludge, as documented during an investigation conducted on October 31, 2013. Specifically, several piles of sludge, removed from the Imhoff tanks, were scattered on the ground at the wastewater treatment area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

53

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (October 31, 2013) to the screening date (December 23, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary
Ordinary
N/A

Before NOV NOV to EDPRP/Settlement Offer

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent City of Hale Center
 Case ID No. 48080
 Reg. Ent. Reference No. RN101918670
 Media Water Quality
 Violation No. 4

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	31-Oct-2013	27-Sep-2014	0.91	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to remove and properly dispose of sludge from the Facility grounds and to implement procedures to properly dispose of waste. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$14

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010030001,
Monitoring Requirements No. 5

Violation Description

Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually, as documented during an investigation conducted on October 31, 2013. Specifically, the flow meter installed within a vault on the influent conveyance line north of the facultative lagoon had not been calibrated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

16

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$861

Violation Final Penalty Total \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 48080
Reg. Ent. Reference No. RN101918670
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	31-Oct-2013	27-Sep-2014	0.91	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$850	15-Oct-2013	31-Oct-2013	0.00	\$0	\$850	\$850

Notes for AVOIDED costs

Estimated avoided cost to calibrate the flow meter. Date required is the date the flow meter was installed and the final date is the investigation date.

Approx. Cost of Compliance

\$1,100

TOTAL

\$861

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 1

Violation Description

Failed to monitor effluent at the intervals specified in the permit, as documented during an investigation conducted on October 31, 2013. Specifically, the Respondent failed to collect and analyze effluent samples for five-day biochemical oxygen demand ("BOD5") and pH for the monitoring periods ending October 31, 2012 through April 18, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6

169 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six monthly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$707

Violation Final Penalty Total \$20,250

This violation Final Assessed Penalty (adjusted for limits) \$20,250

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 48080
Reg. Ent. Reference No. RN101918670
Media Water Quality
Violation No. 6

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Oct-2013	27-Sep-2014	0.91	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and to conduct employee training (\$250) to ensure that effluent and groundwater samples are monitored at the frequency specified in the permit. Date required is the investigation date, Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$650	31-Oct-2012	30-Apr-2013	1.41	\$46	\$650	\$696
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to perform the sample analysis for BOD5 and pH. Date required is the date of the first non-compliance and the final date is the last day of the last month of the non-compliance.

Approx. Cost of Compliance

\$900

TOTAL

\$707

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 8

Violation Description

Failed to submit the results of the annual soil sample analysis to the TCEQ at the intervals specified in the permit, as documented during an investigation conducted on October 31, 2013. Specifically, the results of the annual soil sample analyses for 2013 were not submitted to the TCEQ Lubbock Regional Office by the end of September 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification		x	

Percent 2.5%

Matrix Notes

At least 50% of the permit requirement was not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$625

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$563

This violation Final Assessed Penalty (adjusted for limits) \$563

Economic Benefit Worksheet

Respondent City of Hale Center

Case ID No. 48080

Reg. Ent. Reference No. RN101918670

Media Water Quality

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$30	30-Sep-2013	27-Sep-2014	0.99	\$1	n/a	\$1
Training/Sampling	\$250	31-Oct-2013	27-Sep-2014	0.91	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the soil monitoring results to the TCEQ. Date required is the date the results were due and the final date is the estimated date of compliance. Training cost is the estimated amount to update operational procedures to ensure that soil monitoring results are submitted at the intervals specified in the permit. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$280

TOTAL

\$13

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 309.13(c)(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 21

Violation Description

Failed to meet the buffer zone requirements of a minimum horizontal distance of 150 feet from private water wells to the land application area, as documented during an investigation conducted on October 31, 2013. Specifically, two water wells were located within 10 feet of the land application area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

53 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the investigation date (October 31, 2013) to the screening date (December 23, 2013).

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$465

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent City of Hale Center

Case ID No. 48080

Reg. Ent. Reference No. RN101918670

Media Water Quality

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	31-Oct-2013	28-Feb-2015	1.33	\$22	\$443	\$465
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure that the required buffer zone distance of 150 feet from the private water wells is met. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$465

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 9

Violation Description

Failed to properly report groundwater monitoring events in accordance with the Groundwater Monitoring Plan approved on January 17, 2006, as documented during an investigation conducted on October 31, 2013. Specifically, the groundwater monitoring reports for March and September 2011, March and September 2012, and March 2013 were not submitted to the TCEQ Lubbock Regional Office and the Water Quality Assessment Team and the report for March 2013 was not timely submitted to the Compliance Monitoring Section; the reports for March and September 2011, March and September 2012, and March 2013 did not include water level measurements, copies of the laboratory reports, quality assurance/quality control information, a potentiometric surface map, or analysis of the results; and the groundwater monitoring report for September 2013 was not available for review.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 2.5%

Matrix Notes

Between 30%-70% of the rule requirement was not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 6

914 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$3,750

Six single events are recommended, one for each report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$351

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent City of Hale Center
Case ID No. 48080
Reg. Ent. Reference No. RN101918670
Media Water Quality
Violation No. 9

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation no. 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$300	20-Apr-2011	20-Oct-2013	3.42	\$51	\$300	\$351

Notes for AVOIDED costs

Estimated cost to prepare and submit groundwater monitoring reports (\$50 per report x 6 reports). Date required is the date the first report was due. Final date is the date the last report was due.

Approx. Cost of Compliance

\$300

TOTAL

\$351

Screening Date 23-Dec-2013

Docket No. 2014-0019-MLM-E

PCW

Respondent City of Hale Center

Policy Revision 3 (September 2011)

Case ID No. 48080

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101918670

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 330.15(c)

Violation Description

Failed to prevent the unauthorized disposal of municipal solid waste ("MSW"), as documented during an investigation conducted on October 31, 2013. Specifically, approximately 1,500 cubic feet of MSW was disposed of on the Facility grounds.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

53 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (October 31, 2013) to the screening date (December 23, 2013).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent City of Hale Center

Case ID No. 48080

Reg. Ent. Reference No. RN101918670

Media Water Quality

Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	31-Oct-2013	27-Sep-2014	0.91	\$91	n/a	\$91
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of the MSW at an authorized facility. The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$91

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600636609, RN101918670, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600636609, City of Hale Center

Classification: HIGH

Rating: 0.00

Regulated Entity: RN101918670, CITY OF HALE CENTER

Classification: HIGH

Rating: 0.00

Complexity Points: 7

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: Approximately 2,640 feet south of Hale Center and 3,600 feet east of Interstate Highway 27, Hale County, Texas

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

WASTEWATER PERMIT WQ0010030001

SLUDGE REGISTRATION 22435

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: May 30, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 30, 2009 to May 30, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jacquelyn Green

Phone: (512) 239-2587

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 09, 2009	(765105)
Item 2	October 28, 2011	(963960)
Item 3	October 10, 2012	(1036238)
Item 4	December 04, 2013	(1134190)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF HALE CENTER
RN101918670**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0019-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Hale Center ("the Respondent") under the authority of TEX. HEALTH AND SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility and disposal site located approximately 2,640 feet south of Hale Center and 3,600 feet east of Interstate Highway 27 in Hale County, Texas (the "Facility").
2. The Facility involves or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Facility is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
4. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 11, 2013.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Sixty-Five Thousand Three Hundred Sixty-Three Dollars (\$65,363) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all of the administrative penalty. Therefore, Sixty-Five Thousand Three Hundred Sixty-Three Dollars (\$65,363) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
9. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0010030001, Operational Requirements No. 4, as documented during an investigation conducted on October 31, 2013. Specifically, the 201 Sunset Drive, 13th Street and J Avenue, High Line Road, and 600 East 1st Street lift stations are not equipped with a quick-connect plug-in to accept a backup power supply.

2. Failed to submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Operational Requirements No. 3.b, as documented during an investigation conducted on October 31, 2013. Specifically, two Imhoff tanks were abandoned and filled with soil. No closure plan was submitted prior to the closure of the treatment units.
3. Failed to submit the annual sludge report for the monitoring periods ending July 31, 2011, July 31, 2012, and July 31, 2013, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TCEQ Permit No. WQ0010030001, Sludge Provisions, as documented during an investigation conducted on October 31, 2013. Specifically, the annual sludge report for the monitoring periods ending July 31, 2011, July 31, 2012, and July 31, 2013 were not submitted to the Compliance Monitoring Team of the Enforcement Division and the TCEQ Lubbock Regional Office by September 1 of each year.
4. Failed to properly dispose of sludge, in violation of 30 TEX. ADMIN. CODE § 312.4(a) and TCEQ Permit No. WQ0010030001, Sludge Provisions, as documented during an investigation conducted on October 31, 2013. Specifically, several piles of sludge, removed from the Imhoff tanks, were scattered on the ground at the wastewater treatment area.
5. Failed to accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows by a trained person at Facility start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 5, as documented during an investigation conducted on October 31, 2013. Specifically, the flow meter installed within a vault on the influent conveyance line north of the facultative lagoon had not been calibrated.
6. Failed to monitor effluent at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 1, as documented during an investigation conducted on October 31, 2013. Specifically, the Respondent failed to collect and analyze effluent samples for five-day biochemical oxygen demand and pH for the monitoring periods ending October 31, 2012 through April 18, 2013.
7. Failed to submit the results of the annual soil sample analysis to the TCEQ at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 8, as documented during an investigation conducted on October 31, 2013. Specifically, the results of the annual soil sample analysis for 2013 were not submitted to the TCEQ Lubbock Regional Office by the end of September 2013.

8. Failed to meet the buffer zone requirements of a minimum horizontal distance of 150 feet from private water wells to the land application area, in violation of 30 TEX. ADMIN. CODE § 309.13(c)(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 21, as documented during an investigation conducted on October 31, 2013. Specifically, two water wells were located within 10 feet of the land application area.
9. Failed to properly report groundwater monitoring events in accordance with the Groundwater Monitoring Plan approved on January 17, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 9, as documented during an investigation conducted on October 31, 2013. Specifically, the groundwater monitoring reports for March and September 2011, March and September 2012, and March 2013 were not submitted to the TCEQ Lubbock Regional Office and the Water Quality Assessment Team and the report for March 2013 was not timely submitted to the Compliance Monitoring Section; the reports for March and September 2011, March and September 2012, and March 2013 did not include water level measurements, copies of the laboratory reports, quality assurance/quality control information, a potentiometric surface map, or analysis of the results; and the groundwater monitoring report for September 2013 was not available for review.
10. Failed to prevent the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(c), as documented during an investigation conducted on October 31, 2013. Specifically, approximately 1,500 cubic feet of MSW was disposed of on the Facility grounds.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Hale Center, Docket No. 2014-0019-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, cease disposing of MSW on the Facility grounds.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Provide adequate safeguards at all lift stations to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of adequately treated wastewater, in accordance with 30 TEX. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0010030001, Operational Requirements No. 4;
 - ii. Submit a plan and schedule for the closure of the two abandoned Imhoff tanks, in accordance with TCEQ Permit No. WQ0010030001, Operational Requirements No. 3.b, for review, possible modification, and approval. The plan and schedule shall be submitted to:

Municipal Permits Team
Wastewater Permitting Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iii. Submit the annual sludge reports for the monitoring periods ending July 31, 2011 through July 31, 2013 to:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

- iv. Update the Facility's operational guidance and conduct employee training to ensure that:
 - (1) Effluent is monitored at the intervals specified in the permit, in accordance with 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b), and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 1;
 - (2) Self-reporting requirements are properly accomplished, including the timely submittal of annual sludge reports, in accordance with 30 TEX. ADMIN. CODE § 305.125(11)(B) and (C) and TCEQ Permit No. WQ0010030001, Sludge Provisions;
 - (3) Soil and groundwater monitoring results are properly conducted and submitted at the intervals specified in the permit, in accordance with TCEQ Permit No. WQ0010030001, Special Provisions Nos. 8 and 9; and
 - (4) Implement procedures to properly dispose of sludge, in accordance with 30 TEX. ADMIN. CODE § 312.4(a) and TCEQ Permit No. WQ0010030001, Sludge Provisions.
- v. Remove and properly dispose of sludge and MSW from the Facility grounds and dispose of it at an authorized facility, in accordance with 30 TEX. ADMIN. CODE § 312.4(a) and TCEQ Permit No. WQ0010030001, Sludge Provisions;
- vi. Accurately calibrate all automatic flow measuring or recording devices and all totalizing meters for measuring flows, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Monitoring Requirements No. 5; and
- vii. Submit the annual soil sample analysis results for 2013 to the TCEQ, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 8.
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the closure plan and schedule for the two abandoned Imhoff tanks within 30 days after the date of such requests or by any other deadline specified in writing.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.a and 2.b, in accordance with Ordering Provision No. 2.g below.

- e. Within 180 days after the effective date of this Agreed Order, ensure that the required buffer zone distance of 150 feet from the private water wells is met, in accordance with 30 TEX. ADMIN. CODE § 309.13(c)(1) and TCEQ Permit No. WQ0010030001, Special Provisions No. 21.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, in accordance with Ordering Provision No. 2.g below.
- g. The written certifications of compliance required by Ordering Provisions Nos. 2.d and 2.f shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certifications shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with copies to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

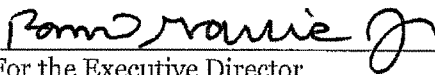
- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

8/8/14


Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

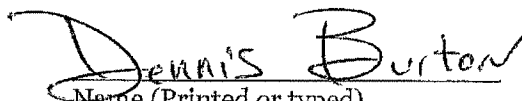
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

8/15/14
Date


Name (Printed or typed)
Authorized Representative of
City of Hale Center

City Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.